

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of:

GAMASONIC LTD.

Opposer,

v.

OCTOPUS, LLC,

Applicant.

Opposition No.: _____

Mark: LIGHT MY TABLE

Serial No.: 76/561,564

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on

September 8, 2004

Frederick S. Berretta

Frederick S. Berretta

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



09-10-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

Dear Sir:

Opposer, GAMASONIC LTD., an Israeli corporation, with a place of business located at 27 Allenby Street, Tel-Aviv 63322 Israel, believes it will be damaged by registration of the mark LIGHT MY TABLE for a "solar table-top light fixture" as shown in Application Serial No. 76/561,564 filed November 10, 2003, ("the '564 Application") by OCTOPUS, LLC (hereinafter referred to as "Applicant"), and hereby opposes the same. The grounds for opposition are as follows:

1. Opposer is and has been engaged in the business of designing and manufacturing electrical products, including solar-powered lighting products for use in homes and gardens.
2. Opposer conceived of, and is the rightful owner of, a family of similar marks called "LIGHT MY ____" for its line of solar-powered lighting products, where the "____" is filled in differently for each product. For example, such products include a table light called LIGHT MY

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TABLE (which is the same mark as in the '564 Application), a pool light called LIGHT MY POOL, a shed light called LIGHT MY SHED, an illuminated house number product called LIGHT MY NUMBER, a walkway light with a motion sensor called LIGHT MY PATH, a step light called LIGHT MY STEP, and a variety of other "LIGHT MY ____" solar-powered products. Opposer conceived and created the individual "LIGHT MY ____" marks, and has used its "LIGHT MY ____" family of marks in marketing its line of products that are scheduled for manufacturing in October, 2004.

3. During the period from about late December, 2002, through about November, 2003, Applicant was engaged in a confidential business relationship with Opposer in which Applicant conducted marketing activities for Opposer. During the course of their business relationship, Opposer disclosed to Applicant, in writing and in oral communications, the marks to be used on its new products, which included the marks LIGHT MY TABLE, LIGHT MY POOL, LIGHT MY SHED, LIGHT MY NUMBER, LIGHT MY PATH, and LIGHT MY STEP. Applicant is not the owner of, and is not entitled to use, any of the marks in Opposer's "LIGHT MY ____" family of marks because Opposer never transferred such rights to Applicant.

4. Without Opposer's permission, in October, 2003, Applicant filed three trademark applications for marks in Opposer's "LIGHT MY ____" family of marks including the marks LIGHT MY PATH (S/N 76/554,114), LIGHT MY NUMBER (S/N 76/554,117), and LIGHT MY SHED (S/N 76/554,115). At the time of filing these three trademark applications, Opposer and Applicant were discussing becoming investment partners in a new company for marketing and distributing Opposer's solar-powered light products. Opposer was shocked when it learned of these applications because these applications were for trademarks Opposer developed for use on its products. Applicant was clearly aware that it was not the owner of the "LIGHT MY ____" family of marks because Opposer disclosed each of these marks to Applicant prior to the filing of the '564 Application.

5. Although Applicant was not the rightful owner of, or entitled to use, the LIGHT MY TABLE mark, in November, 2003, without Opposer's permission and without informing Opposer,

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Applicant filed three trademark applications for marks in Opposer's "LIGHT MY ____" family of marks, including the marks LIGHT MY TABLE (S/N 76/561,564), LIGHT MY POOL (S/N 76/561,563), and LIGHT MY STEP (S/N 76/561,565).

6. Applicant knew of Opposer's rightful and prior ownership, use and/or right to use the "LIGHT MY ____" family of marks, and specifically the LIGHT MY TABLE mark, in connection with Opposer's solar-powered table light which is under development, because Opposer disclosed said marks to Applicant during their confidential business relationship, which was prior to the date of Applicant's signing of the declaration and the filing date of the '564 Application.

7. Opposer's use of the LIGHT MY TABLE mark is for the same goods as Applicants, e.g., "solar table-top light fixture".

8. Applicant has committed fraud in declaring that it is the owner of the LIGHT MY TABLE mark because Applicant knew at the time it signed the declaration and filed the '564 Application that Opposer conceived of, and is the rightful owner of, said mark, as Opposer disclosed to Applicant the LIGHT MY TABLE mark for Opposer's solar table light product during their confidential business relationship.

9. Applicant has committed fraud in declaring that it is entitled to use the LIGHT MY TABLE mark because Applicant knew at the time it signed the declaration and filed the '564 Application that Opposer never conveyed to Applicant the right to use the LIGHT MY TABLE mark or any of the marks in its "LIGHT MY ____" family of marks.

10. Applicant has committed fraud in declaring that it knows of no other person or corporation that has the right to use the LIGHT MY TABLE mark in commerce because Applicant knew at the time it signed the declaration and filed the '564 Application that Opposer has the right to use said mark as Opposer created the LIGHT MY TABLE mark and used marks in its "LIGHT MY ____" family of marks in marketing its products, Opposer's "LIGHT MY ____" family of marks includes the LIGHT MY TABLE mark, and that Opposer is developing a product that uses the mark LIGHT MY TABLE.

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11. Applicant has committed fraud in declaring that all statements in its application, including those statements made in its declaration are true, because of the untrue declarations as stated in paragraphs 8 - 10 above.

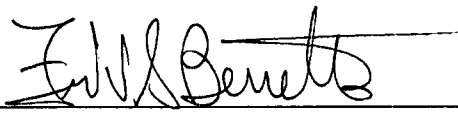
12. Opposer filed a lawsuit in the United States District Court for the Southern District of California, Case No. '04 CV1199W(NLS), against Applicant and Avraham Raz, the owner and agent of Applicant Octopus, LLC. Said lawsuit alleges, in part, that Opposer is the true and lawful owner of the mark LIGHT MY TABLE, and asks the Court to enter an Order declaring that the Opposer is the true and lawful owner and has all right, title and interest in and to the "LIGHT MY _____" family of trademarks and trademark applications, including the LIGHT MY TABLE mark and the '564 Application.

WHEREFORE, Opposer prays that Application Serial No. 76/561,564 be rejected and stricken, that no registration be issued thereon to Applicant, and this Opposition be sustained in favor of Opposer.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 8, 2004

By: 
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